



Docket No.: 1793.1135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hyun Soo Park, et al.

Serial No. 10/765,183

Group Art Unit: 2816

Confirmation No. 9839

Filed: January 28, 2004

Examiner: An T. Luu

For: APPARATUS FOR GENERATING CLOCK SIGNAL IN OPTICAL DISK AND METHOD THEREOF

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the above identified application, the Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that the claims were allowed based on certain features. The Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed June 15, 2005.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The reasons for allowance set forth on page 2 of the Notice of Allowance include the Examiner's recitation of certain elements found in some of the allowed claims. It is respectfully submitted that these remarks are not proper "reasons for allowance" as directed by 37 C.F.R. §1.104 and as explained in MPEP §1302.14. At least the following items render the Examiner's statement of reasons for allowance improper under this rule.

The Examiner's remarks regarding the patentably distinguishable elements of the

present application only address certain elements of the independent claims as the basis for the reasons for allowance, while there is no mention of the remaining features of the independent claims or the features of the other allowed claims. It is respectfully submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. It is further respectfully submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of the same. It is respectfully submitted that the claims provide their own best evidence as to the reasons for allowance.

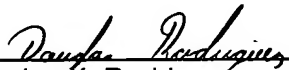
It is respectfully submitted that the claims are not constrained by such improper comments, statements, and incorporation from the specification by the Examiner, and that the claims speak for themselves as to what features are included therein.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (MPEP §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 9/2/05

By: 
Douglas X. Rodriguez
Registration No. 47,269

1400 Eye St., N.W., Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510